

TRAC Meeting: Greenhouse Gas Subcommittee Minutes

Date: November 10, 2009

Member Attendees

Last Name	First Name	Company
Acott	Andy	Laydon Composites Ltd.
Berry	David	Swift Transportation
Cowan	Scott	TEC California
Darakos	Taki	FedEx Ground Package System, Inc.
Harney	Glenn	Hyundai Translead
Laskowski	Stephen	Canadian Trucking Alliance
Lujan	Steven	Cascade Sierra Solutions
Miller	Dan	SMART Refrigerated Transport
Noland	Kristi	J.B. Hunt Transport Inc.
O'Neill	John	Ace Hardware
Pelle	KC	Megatrux, Inc.
Schrap	Matthew	California Trucking Association
Smith	Andrew	ATDynamics, Inc.
Smith (<i>by phone</i>)	Matthew	Navistar
Tichelman	Robert	Windyne, Inc.
Weakley (<i>by phone</i>)	Tom	Owner Operator Independent Drivers Assoc.
Zaborowski	Stephen	XTRA Lease LLC
Pintar	Dassi	ARB
Sanchez	Yvonne	ARB
Chen	David	ARB
Lemieux	Stephan	ARB

Discussion Items

- Follow Up from November 9th Training Session
- Final Regulation Order
- Comments on Compliance Fact Sheets
- Other Issues and Requests for Information and Feedback

Follow Up from November 9th Training Session

- Member requested summary of questions and answers discussed during the November 9th training. Staff responded that the entire training, including the question and answer portions, will be available as a video on the website. Issues from the training that drew further discussion among members included:
 - ◇ How carriers can prove that they are in compliance with the GHG regulation
 - ◇ How to verify the model year of trailers
 - ◇ Process for registering leased trailers for a local haul exemption
 - ◇ Retreaded LRR tires

- ◊ Moving trailers through California on a one-time basis (such as for new purchases or seasonal use)
 - ◊ Clarification of how the GHG regulation will be enforced and the specific penalties that may be levied for violations
- The subcommittee discussed how a motor carrier can prove that they are in compliance with the GHG regulation. Members suggested utilizing EPA SmartWay stickers for certified tractors or trailers, or that ARB develop a sticker or certificate of compliance that could be issued to those who register their trailers. These stickers/certificates could be voluntary. ARB staff responded that since registration is not mandatory, it will be difficult to use this approach to determine compliance. Specifically, if fleets choose to meet the January 1, 2013 deadline to bring their 2010 model year and older trailers into compliance, they would not need to register any of them. Staff will consider this issue and explore other possible options.
 - The subcommittee discussed shippers' responsibility, what constitutes a "California-based shipper," and how a broker can determine if a carrier is compliant. California-based shippers must have a base in California or have freight that originates in California. Staff clarified that only California-based shippers will be held responsible for compliance with the GHG regulation. Staff explained that shippers will receive notification if a motor carrier they contracted with is not in compliance, and that they will only be responsible if they continue to utilize that motor carrier until they comply. Staff will clarify, through guidance documents, how shippers will be held responsible for compliance.
 - The subcommittee also discussed what constitutes a "California-based broker," since many of them work out of their home, or out of a "mobile" office where they travel and make transactions over the phone. Staff will clarify, through guidance documents, what brokers will need to know to comply with the regulation.
 - Members requested that ARB Enforcement staff participate in our subcommittee and attend all of our meetings.
 - ARB staff solicited comments from the group regarding the issue of how to deal with moving trailers into or through California on a one-time or infrequent basis such as when delivering new trailers out of state or moving seasonal trailers temporarily into the state for local haul or storage use. One member expressed concern that there are large numbers of "seasonal" trailers on the road and that these situations must be dealt with equitably. Members suggested a single-use permit or 3-day pass. Staff will consider these suggestions and will develop guidance materials for clarification.

Final Regulation Order

- Member asked for clarification of exempt equipment types and why some were spelled out in the regulation and some were not.
- Members asked for clarification of early compliance option. Staff will develop guidance document or fact sheet to clarify.
- ARB staff gave an update on the status of regulation – that Office of Administrative Law will have final decision by December 9, 2009.

Comments on Compliance Fact Sheets

- ARB staff distributed final versions of the Large Fleet and Small Fleet Compliance Information fact sheets and notified the group that they have been posted on the website. The subcommittee asked for additional modification of the fact sheets to add “20 or less” in the title of the “Compliance Information for Small Fleets of 53-Foot Trailers” fact sheet, and to add “21 or more” to the title of the “Compliance Information for Large Fleets of 53-Foot Trailers” fact sheet for clarity. A member asked for additional modification of the fact sheets to add “53-foot or longer” to the fleet size definition in the section titled: “How does the regulation define a small/large fleet?” Staff will consider these modifications.
- Members suggested additional fact sheets:
 - Tires/Retreads
 - Information for Shippers and Brokers
 - Local Haul/Short Haul Compliance Issues
 - Information for Leasing Companies
 - Clarification of the Early Compliance Option and Calculations
 - How Fleets Can Show they are in Compliance

Other Issues and Requests for Information and Feedback

- Member has already established an external share site that can be used to download and comment on materials developed by GHG staff and subcommittee members. It is an independent, controlled access (requires a password to access) site that is not affiliated with the subcommittee member’s company. Members were interested in using the site. ARB staff will evaluate the possibility of using the site.
- Member brought up the issue that California should adopt a weight exemption for the added weight of the aerodynamic equipment. Member reported that 33 states have already adopted a 400 pound weight exemption for APU’s, but California is not one of them. Member reported that there is a bill going through the legislature to establish a weight exemption in California.
- ARB staff requested feedback from committee members on Compliance Timeline and Compliance Timeline Overview document. Staff also requested suggestions for future committee discussion.